REMARKS

Claims 1-17 are pending in this application.

The Examiner's grounds for finally rejecting the application claims are traversed below.

I. TRAVERSE OF THE PRIOR ART REJECTION

The claimed liquid applicator invention includes a "resilient bottle". Useful feature of the liquid applicator include but are not limited to its ability to be filled by the user and its reusability. These useful features derive from the resilient nature of the resilient bottle which allows it to be filled buy the user as follows:

> In one method, the vacuum filling method, hollow body 22 of resilient bottle 12 is squeezed to force air out of resilient bottle 12. While still squeezing resilient bottle 12, opening 20 is placed in a liquid being transferred to resilient bottle 12 and squeezing is stopped. Once squeezing is stopped, the walls of hollow body 22 return to their original shape thereby creating a vacuum that draws liquid into resilient bottle 12.

(See specification page 8, line 29 to page 9, line 5). A bottle or container that was not resilient would not have these same features. A non-resilient container could not be refilled nor could it be easily filled by the end user.

The Examiner has maintained his rejection of all application claims as being anticipated by or as being obvious over the Coombs reference in the October 10, 2003 Final Rejection. In response to the Applicant's position that Coombs does not disclose a "resilient" container, the Examiner takes the position that the term "resilient" is defined in Webster's as "capable of withstanding shock without permanent deformation or rupture". (*Citing* Webster's Ninth New Collegiate Dictionary, 1990). The Examiner goes on to say that since the bottle in Coombs is collapsible, it is able to "withstand shock without rupture" and is, therefore, resilient.

The Examiner' position ignores half of the definition of the term "resilient" adopted by the Examiner. According to the cited definition, a "resilient" bottle must be "capable of withstanding shock without permanent deformation or rupture". If the Examiner is going to use the Dictionary definition of the term "resilient" in considering whether or not the Coombs container is resilient, then the Examiner must use the entire definition and not just the portion of the definition that supports the Examiner's rejection.

If the Examiner applies the entire cited definition of "resilient" to the Coombs container, the Examiner can reach only one conclusion – that clams 1-17 are patentable because Coombs does not disclose a "resilient" container – that can "withstand shock without permanent deformation. Instead Coombs discloses a container 12 that is referred to throughout the reference as a "collapsible tube or container". Moreover, at col. 4, lines 14-20 Coombs teaches that:

> As the paint or other suitable stripping material in the collapsible tube or container 12 is used up or consumed, the body of the collapsible tube or container 12 may be wound or rolled upon itself and after the collapsible tube or container 12 has been emptied it may be readily removed from the stripping wheel –bearing unit or head ....

From this excerpt it is clear that the Coombs container is collapsible and not resilient. In contrast, the claimed resilient bottle meets the "resilient" definition promulgated by the Examiner because it returns to its original shape without permanent deformation after being pressed. The Examiner's anticipation and obviousness rejections of claims 1-17 should, therefore, be withdrawn because the Coombs "collapsible tube or container 12" is not "resilient" as that term has been defined by the Examiner.

CONCLUSION

For the reasons set forth above, claims 1-17 are believed to be presently patentable. Favorable reconsideration and allowance of all pending claims is, therefore, courteously solicited.

Respectfully submitted,

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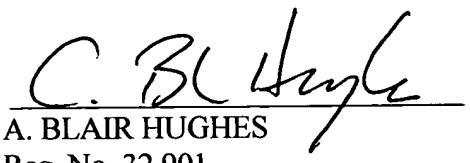
By: 

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